

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1 Mar 13, 2023

2 SEAN F. MCAVOY, CLERK

3 **UNITED STATES DISTRICT COURT**

4 **EASTERN DISTRICT OF WASHINGTON**

5 ANGEL P.,¹

6 Plaintiff,

7 vs.

8 KILOLO KIJAKAZI, ACTING
9 COMMISSIONER OF SOCIAL
SECURITY,

10 Defendant.

11 No. 1:22-cv-03126-RHW

12 **ORDER GRANTING
13 STIPULATED MOTION FOR
REMAND PURSUANT TO
14 SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

15 **ECF Nos. 11, 18**

16 Before the Court is the parties' Stipulated Motion for Remand, ECF No. 18,
17 requesting remand of the above-captioned matter to the Commissioner for
18 additional administrative proceeding pursuant to sentence four of 42 U.S.C. §
19 405(g). Attorney D. James Tree represents Plaintiff. Attorney Michelle Pavelek
20 represents Defendant.

21 After consideration, **IT IS HEREBY ORDERED** that:

22 1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**.
23 2. The above-captioned case be **REVERSED** and **REMANDED** to the

24
25 ¹ To protect the privacy of plaintiffs in social security cases, the undersigned
26 identifies them by only their first names and the initial of their last names. *See*
27 LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the
4 Appeals Council will instruct the ALJ to:

5

- 6 • Offer Plaintiff the opportunity for a new hearing;
- 7 • Develop the record as necessary; and
- 8 • Issue a new decision.

9 *See* ECF No. 18 at 2.

10 3. Judgment shall be entered for **PLAINTIFF**.

11 4. Plaintiff's Motion for Summary Judgment (**ECF No. 11**) is **STRICKEN**
AS MOOT.

12 5. Upon proper presentation, this Court consider Plaintiff's application for
13 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

14 The District Court Executive is directed to enter this Order, **enter**
15 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

16 DATED March 13, 2023.

17
18 *s/Robert H. Whaley*
19 ROBERT H. WHALEY
20 Senior United States District Judge